

Notice of Allowability

Application No.

09/918,059

Examiner

Evelyn A. Lester

Applicant(s)

MANZI, DAVID J.

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the election received on 12-16-03.
2. ☒ The allowed claim(s) is/are 1-24 and 40-42.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

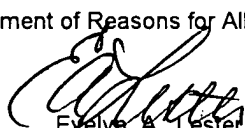
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☒ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 20020404
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.


Evelyn A. Lester
Primary Examiner
Art Unit: 2873

Election/Restrictions

1. Applicant's election without traverse of Group I (claims 1-24 and 40-42) in Paper No. 20031216 (received December 16, 2003) is acknowledged.

2. This application is in condition for allowance except for the presence of claims 25-39 to an invention non-elected without traverse. Accordingly, claims 25-39 have been cancelled.

REASONS FOR ALLOWANCE

3. The following is an examiner's statement of reasons for allowance:

The prior art does not show or fairly suggest the claimed invention of a lens system having the claimed structure and claimed limitations, wherein a rejection under 35 USC 102 or 103 would be improper. Please particularly note the combination of claimed elements and claimed limitations, including wherein the laser is focused to a spot size of less than about 3 microns over a field having a diameter of at least about 9 mm at different depths and/or that the laser is focused over a range of depths while maintaining diffraction-limited performance and a numerical aperture of at least about 0.3 at a working distance of greater than about 36 mm, as recited in claims 1, 15 and 40; also including as recited in claim 41, the specific chart of limitations pertaining to each lens element and their relation to each other. Therefore, the claimed invention is considered to be in condition for allowance as being novel and nonobvious over the prior art.

Art Unit: 2873

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Drawings

4. The drawings filed on 7-30-01 are acceptable subject to correction of the informalities indicated on the attached "Notice of Draftsperson's Patent Drawing Review," PTO-948. In order to avoid abandonment of this application, correction is required in reply to the Office action. The correction will not be held in abeyance.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following are U.S. Patents, directed to lens systems having zoom focusing capabilities and/or utilizes a small focal spot:

Eckbreth et al	U.S. Patent 4,705,367
Marshall et al	U.S. Patent 4,941,093
Sekine	U.S. Patent 4,960,327
Sekine	U.S. Patent 5,066,116
Ito et al	U.S. Patent 5,243,368
Smith	U.S. Patent 5,490,849
Lai	U.S. Patent 5,549,632
Lai	U.S. Patent 5,984,916
Koester	U.S. Patent 6,142,630
Lai	U.S. Patent 6,231,566 B1
Harrigan	U.S. Patent 6,476,962 B1
Kliwer et al	U.S. Patent 6,572,606 B2

Art Unit: 2873

Also note Japanese patent document to Yuji Ito (JP 63125913 A), directed to a spot shape variable optical system.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evelyn A. Lester whose telephone number is (571) 272-2332. The examiner can normally be reached on M- F, from about 10 am to 7 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Y. Epps can be reached on (571) 272-2328. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Evelyn A. Lester
Primary Examiner
Art Unit 2873